

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAVID H. PLEMONS,

Petitioner,

JAMES FORTNER, Warden,

Respondent.

)
)
)
)
)
)
)
)
)
)

NO. 1:09-0048
JUDGE HAYNES

O R D E R

In accordance with the Memorandum filed herewith, the Respondent's motion for summary judgment (Docket Entry No. 38) is **GRANTED**, and the Petitioner's motion for summary judgment (Docket Entry No. 40) and petition for the writ of habeas corpus are **DENIED**. This action is **DISMISSED with prejudice**. Petitioner is **GRANTED** a Certificate of Appealability on his claims of insufficiency of the evidence and ineffective assistance of counsel.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 27th day of July, 2011.


WILLIAM J. HAYNES, JR.
United States District Judge